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8 IN THE UNITED STATES DISTRICT COURT  
9 FOR THE NORTHERN DISTRICT OF CALIFORNIA  
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11 CHARLES KINNEY,  
12 Plaintiff,

13 v.

14 STATE BAR OF CALIFORNIA, et al.,  
15 Defendants.  
16

No. C-13-1396 MMC

**ORDER GRANTING JUSTICE ROGER  
BOREN AND JUDGE LUIS LAVIN'S  
MOTION TO DISMISS; VACATING  
HEARING**

17 Before the Court is the motion to dismiss, filed August 28, 2013, by California Court  
18 of Appeal Justice Roger W. Boren ("Justice Boren") and California Superior Court Judge  
19 Luis A. Lavin ("Judge Lavin"). Plaintiff Charles Kinney has filed opposition, to which Justice  
20 Boren and Judge Lavin have replied. Also before the Court is plaintiffs' response, filed  
21 September 20, 2013, to the Court's order of August 21, 2013, directing plaintiff to show  
22 cause why his claims against Justice Boren and Judge Lavin should not be dismissed.  
23 Having read and considered the above-referenced filings, the Court finds the matters  
24 suitable for determination on the parties' respective written submissions, VACATES the  
25 hearing scheduled for October 18, 2013, and rules as follows.

26 Plaintiff's claims for an award of damages against Justice Boren and Judge Lavin,  
27 which claims are based on judicial rulings, are, for the reasons stated in the motion to  
28 dismiss and in the Court's order to show cause, subject to dismissal, without leave to

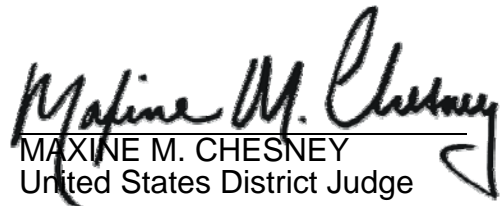
1 amend. See Stump v. Sparkman, 435 U.S. 349, 355-56, 364 (1978) (holding state court  
2 judges sued for engaging in “judicial acts” are “immune from damages liability” irrespective  
3 of whether ruling was “in error”); Ashelman v. Pope, 793 F.2d 1072, 1075 (9th Cir. 1986)  
4 (holding judges “are absolutely immune from damage liability for acts performed in their  
5 official capacities”).

6 Further, plaintiff’s claims for declaratory and injunctive relief, by which plaintiff seeks  
7 relief from orders issued by Justice Boren and Judge Lavin, are, for the reasons stated in  
8 the motion to dismiss and in the Court’s order to show cause, subject to dismissal, without  
9 leave to amend. See Atlantic Coast Line Railroad Co. v. Brotherhood of Locomotive  
10 Engineers, 398 U.S. 281, 296-97 (1970) (holding “lower federal courts possess no power  
11 whatever to sit in direct review of state court decisions”; vacating district court order  
12 enjoining enforcement of state court order).

13 Accordingly, Justice Boren and Judge Lavin’s motion to dismiss is hereby  
14 GRANTED, and plaintiff’s claims against them are hereby DISMISSED, without leave to  
15 amend.

16 **IT IS SO ORDERED.**

17  
18 Dated: September 27, 2013

  
MAXINE M. CHESNEY  
United States District Judge